

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

January 13, 2004

ORDER
(AT&T COMMUNICATIONS OF
NEW ENGLAND, INC.)

PUBLIC UTILITIES COMMISSION
Utility Service Area and Infrastructure
Maps (Chapter 140)

Docket No. 2001-284

PUBLIC UTILITIES COMMISSION
Investigation of AT&T of New England, Inc.
for Failure to Comply with Requirements of
Chapter 140 (Utility Service Area and
Infrastructure Maps)

Docket No. 2003-129

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

I. SUMMARY

In this Order, we terminate our investigation into the failure of AT&T of New England, Inc. (AT&T) to comply with currently applicable provisions of Chapter 140 of the Commission's Rules.

II. BACKGROUND

On October 19, 2001, the Commission adopted Chapter 140 of its Rules to require certain public utilities to develop, maintain, and file with the Commission maps of their service area and key infrastructure. *Public Utilities Commission, Utility Service Area and Infrastructure Maps (Chapter 140)*, Docket No. 2001-284, Order Adopting Rule and Statement of Factual and Policy Basis (Oct. 19, 2001) (Chapter 140 Order). That Rule, which became effective on October 29, 2001, requires interexchange carriers (IXCs) to develop and file current maps of their key infrastructure in both paper and electronic (GIS) form, and to file such maps by July 1, 2002. MPUC Rules, ch. 140, § 3(A).

AT&T did not file any of the information required by Chapter 140 by the deadlines in the Rule. It also did not file or a request for waiver of the applicable filing requirements or of the deadlines. On March 4, 2003, we found that AT&T was in violation of Chapter 140, and opened an investigation into AT&T's noncompliance, as well as contempt proceedings for failure to comply. *Public Utilities Commission, Investigation of AT&T of New England, Inc. for Failure to Comply with Requirements of Chapter 140 (Utility Service Area and Infrastructure Maps)*, Docket No. 2003-129, Notice of Investigation and Contempt Proceeding; Show Cause Order (Mar. 4, 2003).

We subsequently granted a request by AT&T for a limited extension of time to comply with Chapter 140, but declined to grant a substantive waiver from that Rule. *Public Utilities Commission, Investigation of AT&T of New England, Inc. for Failure to Comply with Requirements of Chapter 140 (Utility Service Area and Infrastructure Maps)*, Docket No. 2003-129, Notice of Investigation and Contempt Proceeding; Order on Waiver Request (Jun. 30, 2003).

On November 25, 2003, after extensive communications with the Commission Staff, AT&T completed its filing of infrastructure maps and data as required by Chapter 140.

III. CONCLUSION

Although AT&T's eventual compliance with that Rule came almost one year and five months after the deadline established in that Rule, we do not believe that further pursuit of our contempt proceedings would yield any significant benefit to Maine consumers. Accordingly, we hereby close our investigation and contempt proceeding in Docket No. 2003-129. In terminating our contempt proceeding, however, we remind AT&T that it has continuing obligations to make timely and complete filings pursuant to Chapter 140. We will continue to closely monitor AT&T's compliance with all Commission Rules, including Chapter 140.

Dated at Augusta, Maine, this 13th day of January, 2004.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.